

Considerations concerning OATHS.



Because of Swearing the Land mourneth. Jeremiah
xxiii. 10.

Juramentum non potest esse vinculum iniquitatis.

MY present Business is not with the Quakers, who pretend that all Oaths are unlawful; nor with Atheists and Deists, who take any, and keep none; neither with the Common and Prophane Swearer, who, tho' he may not profess his Unbelief, has certainly no Reverence of GOD, nor Apprehensions of his just Vengeance; but with Men, who, being duly sensible of the Sacredness of an Oath, are desirous honestly to discharge the Obligation it lays upon them.

As to *Affertory* Oaths, there is not much to be said concerning them, to honest Men, who know they are oblig'd at all times to speak nothing contrary to Truth, and more especially when they appeal to GOD, as Witness to the Truth which they assert. In which Case it is not enough that the Matter affirm'd be in itself true, unless they themselves be fully appriz'd and persuaded of that Truth; which they are roundly to declare, without Fear or Favour, without Regard to their own or other Mens Interests; GOD's Favour, and Eternal Happiness being the highest Interest. But the Difficulty chiefly lies in *Promissory* Oaths, which are often so entangling, as if they were made on purpose, by Men of no Conscience, to ensnare the Conscientious.

"If all *Voluntary*, but especially *Promissory*, Oaths, are utterly unlawful now for a Christian; by *Voluntary*, meaning such, as none but ourselves, or our own worldly Gain or Interest extort from us," as the Pious and Learned Dr. Hammond argues from the Words of our Saviour, S. Mat. v. 37. and S. James v. 12. Then for the same, or a stronger Reason, Oaths tender'd by *Incompetent Authority* ought not to be taken; *Incompetent* being in Reality no Authority, inasmuch as it is *Incompetent*, but a mere Usurpation upon the Rights of some or other.

For Authority is nothing else but the Exercise of Lawful Power, or a Right to Power; so that he who has only Power or

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mere Force, without Right to use it, cannot thereby oblige the Conscience, whatever Compulsion or Violence he may exercise on Mens Persons, or Estates. He cannot so much as oblige in Conscience to a Neutrality; because the Obligations of Conscience to Lawful Authority, do not cease when that Authority wants Power to enforce Obedience. A Man may in Prudence refuse to act, and patiently submit, when he finds himself under Superiour Force, and that his Acting would produce no Effect, but his own Destruction. But to be Indolent or Unactive when that Force in equitable Construction is remov'd, were to transgress the Laws of GOD and Man by a sinful Omission of his Duty. So that Power without Right is *Nothing* in a Moral Sense; it is in itself utterly incapable of obliging the Conscience. For none will be so perverse as to affirm, that a Man may Lawfully do all that he has Power to do; this were to be Arbitrary with a Witness; or can dispose of and make void other Mens Rights, much less the Laws of GOD, the Duties of natural or reveal'd Religion. And therefore, tho' such Compulsory Oaths may in some Sense be called Involuntary, inasmuch as they are not taken freely and of mere Motion; yet they are so far Voluntary, as we choose to take them, rather than incur the Penalty of Refusing; and are for this Reason Matter of Repentance. Foolish indeed is that Worldly Prudence, and destructive those ill-plac'd Fears, which to avoid a slight, and therefore slight because Temporary, Loss or Inconveniency, expose us to the greatest Loss, and the most dreadful Evil. The good Christian is wiser; he fears not those whose Power extends no further than to *Kill the Body*. But he stands in Awe of that Supreme Authority, which has Power to destroy both Body and Soul in Hell.

But further, a Promissory Oath becomes Unlawful by its being *Rash* or *Unjust*. By *Rash*, I do not barely or chiefly understand the Taking it hastily and inconsiderately, without that serious previous Consideration, which a Matter of this Consequence requires; tho' this also is a very great Fault, as expressing a Want of Reverence of GOD's Majesty and Carefulness of our Eternal Welfare; a Levity, or Stupidity, which no Man of Sense or Conscience, one would think, could be guilty of. But that which I chiefly intend by a *Rash Oath*, and that in respect of Assertory as well as Promissory Oaths, is the Swearing to a *Natural* or *Moral Impossibility*; for this infallibly engages us to break the Oath, and obliges to nothing but the Shame and Sorrow due to so rash an Engagement. I swear to a *Natural Impossibility*, if I affirm that to be true, of the Truth of which I cannot possibly be appriz'd, even tho' it should indeed be true. For Instance, if I swear positively that such a Fact was done in *London*, at a time when I myself was out of *England*, or out of *Town*, I swear rashly. The Fact possibly may have been done, but not to my certain Knowledge, unless there were Signs and Evidences and Demonstrations of that Fact as certain as Ocular Knowledge. For it must always be remembered, that
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when we make Oath of a Fact or Truth, we do not swear to it barely as such, but to our certain Knowledge of that Fact or Truth which we assert.

In like manner, if I swear to do that which no human Power can perform, or not certainly perform, or which I myself am incapable of performing, I swear rashly. Thus an Invader may be resisted and overcome, but no Man can swear he shall be so; Events being in the Hand of G O D, who can give the Victory to the Weaker, if he sees fit; much less can any Man swear to conquer an Army by his own single Strength; or not to submit, at least involuntarily, when overcome by Superior Force: But Instances are endless. Again;

He who swears to do a wicked Action, swears to a *Moral Impossibility*, to that which he cannot innocently, and therefore ought not to perform, tho' it be naturally possible. Of this Nature was Herod's Oath; it was not *Naturally impossible*. He could, and we find he did actually keep it, by cutting off the Head of S. John Baptist. But for all this, it was *Morally Impossible*. He could not do it Lawfully; could not possibly keep it without breaking the Laws of G O D, which no Human Obligation can supersede. He was therefore in Conscience, and if he would have acted as an honest Man, obliged to repent of his rash and wicked Oath, and to preserve the Baptist's Life. According to that excellent Rule given by Mr. Nelson, in his Meditations on this Saint's Day; "An unlawful Oath no way obliges him that takes it; the Taking it is a Sin must be repented of, but the Breaking of it is a necessary Duty, and a Branch of that Repentance which is due for the former Rashness in making it."

Another Thing that renders a Promissory Oath unlawful, is its being *Unjust*. As in the Instance now mention'd. Herod's Oath was rash, because the Matter of it was unlawful; and so it would have been, whatever Precept of the Moral Law it had violated: But besides this, it was also *Unjust*; injurious to his Neighbour, as well as a Transgression of the Law of G O D. Indeed every Oath injurious to the Rights of others, and therefore unjust, is for this Reason also Rash and Morally Impossible: But every Rash Oath may not be unjust, or have any more than its own proper Guilt as Rash to answer for, without the Aggravation of Injustice. Such Oaths as are thus aggravated, do indeed engage us to a more particular and express Repentance, and to Restitution so far as is in our Power, since without this there can be no true Repentance.

He who requires of us a Promissory Oath, intends thereby either to bind our former Obligations more strongly on us by this Solemn and Religious Action, or else to create an Obligation where there was none before. Hence it is, that an Oath is always to be understood in the Giver's Sense of the Words, and not in the Taker's, if they can be supposed to differ; and ought to be worded in the plainest and most express Terms, to avoid all Equivocation and Mental Reservations, or Secret Evasions. Escapes which subtle Men have invented for
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their own base Ends, but highly prejudicial to the Temporal Interest of him to whom the Oath is made, and to the Eternal Interest of him who takes it, and therefore to be abominated by all sincere Christians, as they would be even by Heathen Men of any Morality.

For supposing the Matter of my Oath doth neither require Disobedience to the Laws of GOD and my Lawful Superiors, nor is injurious to my Neighbour, nor to my own Soul, tho' it be ever so prejudicial to my mere Temporal Interest; it lays however a Bond upon my Soul that cannot be broken. According to the Doctrine of the *Psalmist*, which requires from the Man who desires to be a Member of GOD's Church on Earth, or of his Kingdom in Heaven, that when he has sworn to his Neighbours, he should not disappoint them, tho' to keep his Oath may happen to be to his own Personal Disadvantage. This in my Opinion is the Reason why the *Israelites* were oblig'd to keep their Oath to the *Gibeonites*, because by doing so they hurt nobody but themselves. But the same People were in the Right not to let *Saul's* Oath take place; because it was injurious to *Jonathan*, and the Publick, by offering Violence to the Life of an Innocent and Deserving Person. Of *Jephtha's* Oath I shall say nothing, seeing it is disputed, whether or no he kept it literally.

For tho' we may have Power over our own Rights, tho' we may and ought to dispense with them upon a reasonable Occasion, yet we have none over the Rights of other Men. We cannot swear away their Rights, whatever we may do with our own. Nor can a second Oath render a former Oath, lawfully taken, invalid. The first Lawful Oath does undoubtedly oblige; a second, contradictory to the first, and in Opposition to previous engagements, is *ipso facto* invalid, null, and can have no Effect but to oblige us to repent of it. Because as a natural Right takes place of all subsequent voluntary Engagements; so does the first Lawful Oath oblige against all subsequent Oaths whatsoever. For what the Law of Nature and Nations oblige me to pay to one Person, I cannot make over by Oath to another Person; nor by this pretended Tye upon my Conscience disengage myself from a natural Duty. Because if an Oath were a stronger Obligation than a Moral Duty, could it supersede former Obligation, or render that Lawful to us, which is in itself Unlawful; then might a Man by swearing, reverse all GOD's Commandments, and oblige himself to live by what Laws he pleas'd, or without any. No Bond, how sacred soever, could bind him to the Observance of his Duty, the Consequence of which would be a Dissolution of all Societies, the Destruction of all Religion and Morality. This is farther confirm'd by our Saviour's Determination of the Matter in the Case of *Corban*. The *Jews*, as all other Men, were oblig'd by the Law of Nature, and that People were farther oblig'd by the 3th Commandment, to be dutiful to their Parents, and to maintain them, when incapable of providing for themselves. But their wicked

wicked Scribes and Pharisees had taught them to swear away this Natural Duty, and to look upon that unlawful Oath, which in Reality oblig'd them to nothing but Repentance, as a Bond upon their Consciences, sufficient to discharge them from their natural Obligation to their Parents: *Making, as our Lord reproaches them, the Commandments of G O D of no Effect by their Traditions.*

But methinks there needs no more be said in so plain a Case. The Rule is short, plain, and evident. No Man can be oblig'd by the most solemn Oaths, tho' never so often repeated, to what is not in his Power, to what is unlawful in the Nature of the Thing, or unlawful to him, as being contrary to Præ-engagements; he cannot be oblig'd to Contradictions. And it is a Contradiction for a Man to be bound in Duty to do contrary to his Duty. He cannot, by breaking one Commandment, acquire Leave, much less an Obligation, to break any of the rest. If he has but 100 *l.* in the World, and it is due to me as a just Debt, or by Oath, especially, if he has sworn to pay that Debt, and so lies under a double Bond; he cannot give, no nor swear away that 100 *l.* to another Person, perhaps my Enemy, who will use it to my Damage, to sue and deprive me in unjust Courts of my undoubted Right. This, besides the Original Injustice, and the Additional Perjury, would be aggravated by so many other ill Circumstances, as to become an accumulated Wickedness, a Sin of the deepest Dye. Far be such Iniquity from any who profess the Name of Christ! far be those Judgments from our Land, which the Justifying or Persisting in such a flagrant Transgression would draw upon us!

But do all rash, unlawful Oaths go for nothing? have they then no Effect upon the Conscience? I answer, yes, they have. They oblige us to a very particular and solemn Repentance, according to the Manner and Measure of our Sin. For such Offences as these have many Aggravations which must be particularly consider'd, undone, and aton'd for, as much as is in our Power. Of this none who understands the Nature of true Repentance can be ignorant: And none who have any Regard for their Souls and future Condition can be negligent. *S. Paul* tells us (2. Cor. vii.) that the Godly Sorrow of the *Corinthians*, which wrought in them Repentance not to be repented of, shew'd itself in Carefulness, great Diligence in setting all right again, Clearing of themselves from their Offences against G O D and their Neighbour, Indignation against such Offences. Fear of continuing in their Sins, and of partaking in the Sins of others, Vebement Desire of Amendment, Zeal and Revenge against their former Transgressions, Earnestness to reform at any rate, and whatever it cost them. And in a word, a thorow Change of Mind and universal Amendment, in those Particulars more especially, wherein they had gone astray. The Church of *Corinth*, planted by *S. Paul*, watered by many extraordinary Men, and adorn'd with many admirable Gifts, was not, we see, ashamed of this Humiliation; but gave Glory to

to GOD by taking Shame to itself, whereby indeed it obtain'd the truest Glory and firmest Establishment. *Humanum est errare.* Men, as Men, are liable to Error and Sin; and the Goodness of GOD invites them to Repentance; very often by suffering their Sins to bring upon them those very Calamities which they thought to have avoided by sinning. But to persist in our Sins, and harden ourselves under the Judgments of GOD, to wipe our Mouths and say, we have done no Wickedness, is Diabolical. If neither the Mercies nor Judgments of GOD will awaken us to Repentance, we are ripe for Destruction, and must perish in our Sins.

Better Things are hop'd of Christians, and Things that accompany Salvation. They dare not plead human Frailty to lessen the Guilt of Sin before it is committed, or the Bitterness of Repentance after, or any way to encourage Perseverance in a Crime: But far be it even from good Nature, as well as Christian Charity, to insult or upbraid Penitents with a common Calamity; or not to have Compassion on those who have been overtaken in a Fault, considering ourselves as liable to Temptation in that or some other Instance; so that he who thinks he stands most securely, has Reason to take heed lest he fall. There is Joy in Heaven over one Sinner that repents, more than over Ninety and nine just Persons; and GOD forbid there should not be tender Pity, hearty Kindness, and Encouragement shewn towards them on Earth. It is in Consequence of this, and as the best Expression of our Affection, that we earnestly beseech them in the Bowels of Christ, for the Love of GOD, and even for their own Sakes, to consider their Ways, and return to that Good Path from whence they are fallen. Repentance is the only Salve for a wounded Conscience, and, Blessed be GOD, it is a sure and infallible Remedy, if it be a *True Repentance*.

Great Veneration has been paid to Oaths, even in Heathen and Barbarous Nations: How comes it then that the Sacredness of an Oath is so much lessened, shall I say? or rather that Oaths are become so contemptible among Christians, but by the Frequency of Swearing, and the many Evasions they have found to stop the Clamours of Conscience for the Sake of Interest. A deplorable Case! that requires a most solemn and national Humiliation. But does the State obtain a Security or Advantage any way proportionable to the Violation of Conscience? In no wise: Oaths are little to be depended on, when become common and cheap: I do not say this *ought* to be, but so it *will* be. If the Oath engages to no more than what we were before oblig'd to, Good Men do not need this Tye, they do their Duty without it, and bad Men will keep it no longer than it serves their Turn, but as easily dispense with it as they do with other Duties; for no Oath can bind the Dishonest and Perfidious. In Things indifferent, and of little Consequence, it is not worth while to engage so sacred a Bond. And if the Matter of the Oath be unlawful, it can be no manner of Security. For, as has been already prov'd, it is *ipso facto* null, obliging to nothing

nothing else besides Repentance. So that Oaths, as they are commonly given and taken, serve for little, but to deceive the Imposer, fear the Conscience, and store up Vengeance against the Day of Wrath. What can be more ridiculous, than to imagine that Atheists, Libertines, and Common-Swearers, who live without GOD in the World, can be oblig'd by an Oath? Their most solemn Oaths are, besides the Impiety, but a mere Jest, an Affront to the Laws and Civil Magistrate. And as for Men who scruple an Oath out of *some Conscience*, and yet, out of *some Considerations*, more prevalent with them than their Integrity, get over those Scruples; when they have thus violated their Conscience, they will hardly think themselves oblig'd by Oaths. They are rather provok'd, and of Friends or Neuters become Enemies. For whoever swallows an Oath against the Grain, will find it rise in his Stomach, to the Prejudice of the Imposer. So that besides the Guilt of partaking in other Mens Sins, which every one would carefully avoid, considering he has many of his own to answer for; there is a Political Reason against imposing Oaths. It will be no Security, no Advantage to a Government, but the contrary, to force Oaths upon the People, which they have no Mind to take. And as it is a most intolerable Oppression; and the greatest Violation of Liberty of Conscience, to put Men upon the miserable *Dilemma* of Sinning or Starving; 'tis much to be fear'd, that they who have not the Resolution to starve, rather than sin, may have Repentment and Resolution to revenge the Hardship. The Opening of the Door to one Sin, usually lets in another; and he who breaks down Damms and Fences, exposes himself to a Mischief that it may not be in his Power to avoid, or remedy. And therefore, with Submission, I beg leave to add, that that Tendernefs which Governors owe to those under their Charge, a Charge of which they must render a severe Account to an Impartial Judge, obliges them to be very careful how they oppress the Consciences of their People, and endanger themselves, by multiplying Oaths. They can take no Hold of Men of no Principles; the Unbeliever and Licentious will swear and forswear, as Interest and Variety of Passions and Prejudices incline them. 'Tis the Men of Principle who are the Chief, or rather Only Security of Government. Must it not then be in the highest Degree Impolitick, to destroy Mens Principles, and waste their Consciences? The Variety of Capacities in a Multitude, renders it hard for a Few to suit the Matter and Form of an Oath to all Understandings. And yet every one ought to be clear in the Sense, in the Truth, and in the Justice of the Oath he takes. An honest Man, who would preserve Quiet at home in his own Breast, secure a safe Retreat, and enjoy that Peace of GOD, which the World can neither give nor take away, preferable to all other Enjoyments; that Peace which will support him under all, whether private or publick Calamities, and enable him even to rejoice and be exceeding glad, when he suffers for Righteousness Sake; as Christians have been, and therefore may be, in Consideration of their Reward in Heaven: Such a Man will be extremely cautious e'er he takes an Oath, it being every one's Duty to be watchful even in lesser Matters, that he may have no Occasion hereafter to condemn himself in what he once allow'd; but be *fully persuaded in his own Mind* of the Lawfulness of an Action, before he engages, and even avoid the doing it so much as *doubtingly*, since *whatever is not of Faith*, clearly Lawful, is Sin to him who doubts. (*Rom. xiv.*) And tho' he may have already considered the Matter, sufficiently as he once thought, or was willing to persuade himself; much more, if thro' Carelessness, Rashness, or any Fault, or Misfortune, he hastily ventur'd in a disputable Case; he will not refuse to review his Procedure, nor stifle the Checks of Conscience; Admonitions by which GOD excites us to Repentance, whatever Uneasiness such a

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Retrospection may give, or Difficulties it may engage him in. He will not add Sin to Sin, nor to avoid Scruple, Shame, or the Bitterness of Repentance, encourage Insensibility and Obduration, which will not render our Consciences easy, but our Case desperate.

Prejudices are complain'd of by All, but avoided by Few. If we had not been apt to deceive our own Souls, the Spirit of GOD would not have warn'd us of it. It can be no Man's real Interest to be prejudic'd and deceiv'd; but a present Advantage and Passion too often blind him, so as that he mistakes his own true Interest, and loves to be deceiv'd. Our Passions are like Glasses, that give false Representations, and mislead our Judgment. They place the Object so artfully, that it does not appear as it is in itself, but as we wish to have it. Whither will not Hope and Fear, Love of Preferment, Dread of Want, &c. carry us! especially if we find many and great Examples for our Encouragement. Most necessary is it therefore for us always to have in mind this Prohibition, *Thou shalt not follow a Multitude to do Evil*. For Good and Evil are to be judged of by other Measures than Example. What plausible Arguments, what Shifts and Evasions, will not Wit and Subtlety invent to justify, or at least excuse what Interest and Passion dictate! And therefore our honest Man is always suspicious on this Side, and argues, tho' seemingly against himself, on the other. He is always on his Guard against Indolence and prevailing Customs; dreads being carry'd away with the Torrent of the Times, overcome with Temporal Terrors or Allurements, with cowardly Fear or Shame, so as to lose or lessen the Sin, or be persuaded to neglect or defer his Repentance. *The Righteous is bold as a Lion*; he has reason to be so; he who wants Courage, has no Security for Honesty. And he who is wise and valiant for the Truth, is in Reality so for himself. For Salvation is the main Stake, the highest Interest. *What is a Man profited, if he gains the whole World, and loses his own Soul? or what shall a Man give in exchange for his Soul?*

Thou shalt swear the Lord liveth, in Truth, in Judgment, and in Righteousness. Jer. iv. 2.

If a Man swear an Oath to bind his Soul with a Bond, he shall not break his Word, he shall do according to all that proceedeth out of his Mouth. Numb. xxx. 2.

If a Soul swear, pronouncing with his Lips to do Evil, or to do Good, whatsoever it shall be that a Man shall pronounce with an Oath, and it be bid from him, when he knoweth of it, then he shall be guilty of one of these.

And it shall be, when he shall be guilty of one of these things, that he shall confess that he has sinned in that thing. Levit. v. 4, 5.



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